The Honorable Ronald B. Leighton 1 United States District Judge 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT TACOMA 9 JUDITH COX and CHARLES COX individually NO. 14-05923RBL and as Personal Representatives of the Estates of 10 C.J.P. and B.T.P.. **DECLARATION OF EVAN BARIAULT** 11 IN SUPPORT OF PLAINTIFFS' Plaintiffs, MOTION FOR PARTIAL SUMMARY 12 JUDGMENT TO STRIKE v. **DEFENDANTS' AFFIRMATIVE** 13 **DEFENSES NOS. 1, 2, 3, 4, 10, 11 & 12.** STATE OF WASHINGTON, DEPARTMENT 14 OF SOCIAL AND HEALTH SERVICES. FOREST JACOBSON, ROCKY 15 STEPHENSON, JANE WILSON, and BILLIE REED-LYYSKI, 16 Defendants. 17 I, Evan Bariault, hereby declare as follows: 18 1. I am an attorney of record for plaintiffs. I make this declaration based on personal 19 knowledge and am competent to testify to the matters contained herein. 20 2. Attached hereto as exhibits are true and correct copies of the following: 21 Exhibit 1 – DSHS Intake Forms/Documents (PLA 000014-16; 000019-21; 000024-26; 22 000029-31). 23 DECLARATION OF EVAN BARIAULT IN FREY BUCK. P.S. SUPPORT OF PLAINTIFFS' MOTION FOR 1200 FIFTH AVENUE, SUITE 1900 24 PARTIAL SUMMARY JUDGMENT - 1 SEATTLE, WA 98101 P: (206) 486-8000 F: (206) 902-9660 {00145725;1}

1	Exhibit 2 –	Note entered by Julie Slaughter on June 28, 2011 (Cox 01010041).	
2	Exhibit 3 –	DSHS Intake Form/Documents (PLA 000034-38).	
3	Exhibit 4 –	Administrative Report of Incident (Pages 1-4)	
4	Exhibit 5 –	Note entered by Rocky Stephenson (Cox 01010058).	
5	Exhibit 6 –	Excerpts from the Deposition of Rocky Stephenson.	
6	Exhibit 7 –	Notes regarding initial visit with Powell children after removal from Steven Powell's residence. (Cox 01010059-66).	
7	Exhibit 8 –	Excerpts from the Deposition of Billie Reed-Lyyski.	
9	Exhibit 9 –	Declaration of Detective Gary Sanders dated August 4, 2014.	
10	Exhibit 10 –	Declaration of Detective Teresa Berg dated August 27, 2014.	
11	Exhibit 11 –	Excerpts from the Deposition of John Long.	
12	Exhibit 12 –	Excerpts from the Deposition of Betsy Rodgers.	
13	Exhibit 13 –	Visiting Plans dated September 27, 2011 and December 29, 2011. (PLA 000280-284; Cox 06020257-261).	
14	Exhibit 14 –	DSHS Parent-Child-Sibling Visiting Policy. (Cox 01130441-444).	
15 16	Exhibit 15 –	DSHS Social Worker Practice Guide – Visits Between Parent[s], Child[ren] and Siblings. (Cox 01160001-015).	
17	Exhibit 16 –	Excerpts from Transcript of Shelter Care Hearing held on September 28, 2011.	
18	Exhibit 17 –	Shelter Care Order entered on September 28, 2011. (PLA 000081-91).	
19	Exhibit 18 –	Order of Dependency entered on October 26, 2011. (PLA 000092-100).	
20	Exhibit 19 –	Rocky Stephenson notes regarding interview with Jennifer Graves. (Cox 01010074-75).	
21	Eyhihit 20	,	
22	EXHIDIT 20 —	Declaration of Jennifer Graves dated August 4, 2014.	
23	DECLARATION OF EVAN BARIAULT IN SUPPORT OF PLAINTIFFS' MOTION FOR 1200 FIETH AVENUE SLITTE 1900		
24	PARTIAL SUMMARY J	1200 1 11 111 11 V LINOL, JUIL 1700	

{00145725;1}

SEATTLE, WA 98101 P: (206) 486-8000 F: (206) 902-9660

1	Exhibit 21 –	Email from Nancy LeMay to Forest Jacobson dated October 17, 2011. (Cox 01320860-862).		
2	Exhibit 22 –	Structured Decision Making Risk Assessment. (PLA 000554-557).		
3	Exhibit 23 –	Correspondence from Department of Labor and Industries.		
5	Exhibit 24 –	Stephenson notes regarding Child Pornography Images (Cox 01010255).		
6	Exhibit 25 –	Jacobson notes regarding Josh Powell's visit with children's therapist. (Cox 01010324-325).		
7	Exhibit 26 –	Email from Julio Serrano to Forest Jacobson dated December 9, 2 (Cox/Powell Email Review 000184).	2011.	
9	Exhibit 27 –	Notes entered by Forest Jacobson regarding communications with Fa Preservations Services Staff about the boys' statements and behavior. (01010188; 01010322).		
10 11	Exhibit 28 –	Declaration of Charles Cox dated August 1, 2014.		
12	Exhibit 29 –	Email from Forest Jacobson to FCRN, including Griffin-Hall of September 29, 2011. (Cox 01010071).	lated	
13	Exhibit 30 –	Excerpts from the Deposition of Elizabeth Griffin-Hall.		
14	Exhibit 31 –	Excerpts from the Deposition of Forest Jacobson.		
15	Exhibit 32 –	PCV Visit Report Form dated October 2, 2011. (Cox 01011180-183).		
16 17	Exhibit 33 –	PCV Visit Report Forms Dated October 9, 2011; October 16, 2011; Oct 23, 2011 and October 30, 2011. (Cox 01011184-197).	tober	
18	Exhibit 34 –	PCV Visit Report Form dated November 27, 2011. (Cox 01011488-49	90).	
19	Exhibit 35 –	Individual Service and Safety Plans dated October 24, 2011 and Janua 2012. (PLA 000384; 000395; 000400; 000411; 000416; 000429-000435; 000448-449).	•	
20	Eyhihit 26	Numerous notes entered by Forest Jacobson. (Cox 01010142-143; 01010	1160	
21	Exhibit 30 –	62; 01010215; 01010315; 01010359-60; 01010366; 01010386).	/100-	
22	Exhibit 37 –	PCV Visit Report Form dated November 6, 2011. (Cox 01011491-493	3).	
23	DECLARATION OF EV	FEGUNOTION FOR		
24	PARTIAL SUMMARY J	UDGMENT - 3 SEATTLE, WA 98101		
	{00145725;1}	P: (206) 486-8000 F: (206) 902-9660)	

1	Exhibit 38 –	bit 38 – Declaration of Forest Jacobson dated June 26, 2014.	
2	Exhibit 39 –	Psychological Evaluation completed by Dr	. Manley. (PLA 000181-202).
3	Exhibit 40 –	Dit 40 – Note entered by Jacobson regarding her and Manley getting lost on way to Josh Powell's residence. (Cox 01010233-34).	
45	Exhibit 41 –	Email from Jacobson to Josh Powell d 01010208).	ated November 1, 2011. (Cox
6	Exhibit 42 –	Note entered by Stephenson regarding CPS 90).	S investigation. (Cox 01010289-
7		,	
8	Exhibit 43 –	Email from Jacobson to Serrano regardin regarding same. (Cox 01010295-96).	g increased visitation and notes
9	Exhibit 44 –	Note entered by Jacobson on December 9,	2011. (Cox 01010324-25).
10	Exhibit 45 –	Notes entered by Jacobson regarding of	•
11		visitation time. (Cox 01010147; 01010223; 01).	01010267; 01010272; 01010300-
12	Exhibit 46 –	Email from Tim Atkins to Jacobson. (Cox	01010410).
13	Exhibit 47 –	Jacobson notes regarding Dr. Manley report	rt. (Cox 01011856-57).
14	Exhibit 48 –	Addendum to Manley Report. (PLA 00020	07-210).
15	Exhibit 49 –	Email from Jacobson to Josh Powell dated 3	January 4, 2012. (Cox 01010352).
16	Exhibit 50 –	Declaration of Forest Jacobson dated Janua	ary 17, 2012.
17	Exhibit 51 –	February 1, 2012 Orders. (Cox 01011918-9	919; 01011921-922).
18	Exhibit 52 –	Declaration of Jane Ramon without exhibi	ts dated August 4, 2014.
19	Exhibit 53 –	Elizabeth Griffin-Hall written statement da	ated February 5, 2012.
20	Exhibit 54 –	Autopsy Reports for C.J.P. and B.T.P. (PI	A 003978-979; 003992-993).
21	Exhibit 55 –	Pierce County Sheriff Incident Report.	
22	Exhibit 56 –	Transcript of Emergency Recorded Calls.	
23	DECLARATION OF EV		FREY BUCK, P.S.
24	SUPPORT OF PLAINTII PARTIAL SUMMARY J		1200 FIFTH AVENUE, SUITE 1900 SEATTLE, WA 98101
	{00145725;1}		P: (206) 486-8000 F: (206) 902-9660

1	Exhibit 57 – Declaration of Anne Ganley dated July 1, 2014 with exhibits A-C.				
2	Exhibit 58 – Excerpts from the Deposition of Jane Wilson.				
3	Exhibit 59 – Excerpts from the Deposition of Julio Serrano.				
4	Exhibit 60 – Case note entered by Forest Jacobson. (Cox 01010388).				
5	I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE UNITED				
6	STATES THAT THE FOREGOING IS TRUE AND CORRECT.				
7	/s/ Evan Bariault				
8	Evan D. Bariault, WSBA #42867				
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23	DECLARATION OF EVAN BARIAULT IN SUPPORT OF PLAINTIFFS' MOTION FOR 1200 FIETH AVENUE SUITE 1900				
24	PARTIAL SUMMARY JUDGMENT - 5 1200 FIFTH AVENUE, SUITE 1900 SEATTLE, WA 98101				
	{00145725;1} P: (206) 486-8000 F: (206) 902-9660				

{00145725;1}

1 **Certificate of Service** 2 I certify that on the date noted below I electronically filed this document entitled with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the 3 following persons: 4 Joseph M. Diaz, WSBA #16170 James S. Rogers, WSBA #5335 josephd@atg.wa.gov jsr@jsrogerslaw.com 5 Peter Helmberger, WSBA #23041 Cheryl L. Snow, WSBA #26757 csnow@isrogerslaw.com 6 peterh@atg.wa.gov Jodie@atg.wa.gov Elizabeth J. Donaldson, WSBA #45291 Jennym@atg.wa.gov liz@jsrogerslaw.com 7 TORTacEF@atg.wa.gov Dawn@jsrogerslaw.com 8 Office of the Attorney General Law Offices of James S. Rogers 1250 Pacific Street, Suite 105 1500 Fourth Avenue, Suite 500 Post Office Box 2317 Seattle, WA 98101 Tacoma, WA 98401 (206) 621-8525 10 (253) 593-5243 FAX: (206) 223-8224 Attorneys for Defendant Attorneys for Plaintiffs 11 12 DATED this 7th day of June, 2015, at Seattle, Washington. 13 /s/ Evan Bariault 14 15 16 17 18 19 20 21 22 23 DECLARATION OF EVAN BARIAULT IN FREY BUCK. P.S. SUPPORT OF PLAINTIFFS' MOTION FOR 1200 FIFTH AVENUE, SUITE 1900 24 PARTIAL SUMMARY JUDGMENT - 6 SEATTLE, WA 98101 P: (206) 486-8000 F: (206) 902-9660 {00145725;1}